

AMENDED IN SENATE JUNE 15, 2009

AMENDED IN ASSEMBLY APRIL 23, 2009

AMENDED IN ASSEMBLY APRIL 21, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 356

Introduced by Assembly Member Fletcher

February 19, 2009

An act to amend Section 114850 of the Health and Safety Code, relating to radiologic technology.

LEGISLATIVE COUNSEL'S DIGEST

AB 356, as amended, Fletcher. Radiologic technology: licentiates of the healing arts.

Existing law sets forth the duties of various agencies relating to the protection of the public health and safety from the harmful effects of radiation, including, among others, the duties of the State Department of Public Health regarding the licensing and regulation of radiologic technology.

Existing law requires the department to provide for the certification of licentiates of the healing arts to supervise the operation of X-ray machines or to operate X-ray machines, or both, to prescribe minimum standards of training and experience for these licentiates of the healing arts, and to prescribe procedures for examining applicants for certification. Under existing law, licentiates of the healing arts is defined to include any person licensed under the Medical Practice Act, the

Osteopathic Act, or a specified initiative act that created the State Board of Chiropractic Examiners, as provided.

Existing law, the Physician Assistant Practice Act, separately establishes the Physician Assistant Committee of the Medical Board of California, and provides for the licensure of physician assistants meeting specified criteria and for the regulation of their practice. Under that act, a physician assistant is authorized to perform certain medical services under the supervision of a physician and surgeon, subject to certain exceptions.

This bill would revise the definition of licentiates of the healing arts to also include a physician assistant who is licensed pursuant to the Physician Assistant Practice Act and who practices under the supervision of a qualified physician and surgeon, as provided. The bill would require a physician assistant who is issued a licentiate fluoroscopy permit to meet specified continuing education requirements. The bill would also require the supervising physician and surgeon to have, or be exempt from having, a licentiate fluoroscopy permit to perform the functions that he or she is supervising, as provided.

This bill would also allow a physician and surgeon to delegate to a licensed physician assistant *specified* procedures using fluoroscopy. The bill would specify training requirements that must be met in order for a physician assistant to be delegated this task.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 114850 of the Health and Safety Code
- 2 is amended to read:
- 3 114850. As used in this chapter:
- 4 (a) "Department" means the State Department of Public Health.
- 5 (b) "Committee" means the Radiologic Technology
- 6 Certification Committee.
- 7 (c) "Radiologic technology" means the application of X-rays
- 8 on human beings for diagnostic or therapeutic purposes.
- 9 (d) "Radiologic technologist" means any person, other than a
- 10 licentiate of the healing arts, making application of X-rays to
- 11 human beings for diagnostic or therapeutic purposes pursuant to
- 12 subdivision (b) of Section 114870.

1 (e) “Limited permit” means a permit issued pursuant to
2 subdivision (c) of Section 114870 to persons to conduct radiologic
3 technology limited to the performance of certain procedures or the
4 application of ~~X-ray~~ *X-rays* to specific areas of the human body,
5 except for a mammogram.

6 (f) “Approved school for radiologic technologists” means a
7 school that the department has determined provides a course of
8 instruction in radiologic technology that is adequate to meet the
9 purposes of this chapter.

10 (g) “Supervision” means responsibility for, and control of,
11 quality, radiation safety, and technical aspects of all X-ray
12 examinations and procedures.

13 (h) (1) “Licentiate of the healing arts” means a person licensed
14 under the provisions of the Medical Practice Act, the provisions
15 of the initiative act entitled “An act prescribing the terms upon
16 which licenses may be issued to practitioners of chiropractic,
17 creating the State Board of Chiropractic Examiners and declaring
18 its powers and duties, prescribing penalties for violation thereof,
19 and repealing all acts and parts of acts inconsistent herewith,”
20 approved by electors November 7, 1922, as amended, the
21 “Osteopathic Act,” or a person licensed under the Physician
22 Assistant Practice Act (Chapter 7.7 (commencing with Section
23 3500) of Division 2 of the Business and Professions Code) who
24 practices under the supervision of a qualified physician and surgeon
25 pursuant to the act and pursuant to Division 13.8 of Title 16 of the
26 California Code of Regulations.

27 (2) In order to supervise a physician assistant in performing the
28 functions authorized by ~~this chapter~~ *the Radiologic Technology*
29 *Act (Section 27)*, a physician and surgeon shall either hold, or be
30 exempt from holding, a licentiate fluoroscopy permit required to
31 perform the functions being supervised.

32 (3) A physician and surgeon may delegate to a licensed
33 physician assistant procedures using fluoroscopy. A physician
34 assistant to whom a physician and surgeon has delegated the use
35 of fluoroscopy shall demonstrate successful completion of 40 hours
36 of total coursework, including *fluoroscopy* radiation safety and
37 protection, recognized by the department. Documentation of
38 completed coursework shall be kept on file at the practice site and
39 available to the department upon request. Notwithstanding any
40 other provision of law, the department shall accept applications

1 for a fluoroscopy permit from a licensed physician assistant who
2 meets the requirements of this section. *Nothing in this section shall*
3 *be construed to remove the need for a physician assistant to pass*
4 *a department-approved examination in fluoroscopy radiation safety*
5 *and protection pursuant to Article 1 (commencing with Section*
6 *30460) of Group 5 of Subchapter 4.5 of Chapter 5 of Division 1*
7 *of Title 17 of the California Code of Regulations.*

8 (4) A licensed physician assistant who is issued a fluoroscopy
9 permit pursuant to the requirements of this section shall, in the
10 two years preceding the expiration date of the permit, earn 10
11 approved continuing education credits. *The department shall accept*
12 *continuing education credits approved by the Physician Assistant*
13 *Committee.*

14 (5) *Nothing in this section shall be construed to authorize a*
15 *physician assistant to perform any other procedures utilizing*
16 *ionizing radiation except those authorized by holding a licentiate*
17 *fluoroscopy permit.*

18 (6) *Nothing in this section shall be construed to remove the need*
19 *for a physician assistant to be subject to the licentiate fluoroscopy*
20 *permit requirements approved by the department pursuant to*
21 *Subchapter 4.5 (commencing with Section 30400) of Chapter 5 of*
22 *Division 1 of Title 17 of the California Code of Regulations.*

23 (i) “Certified supervisor or operator” means a licentiate of the
24 healing arts who has been certified under subdivision (e) of Section
25 114870 or ~~107115~~ 107111 to supervise the operation of X-ray
26 machines or to operate X-ray machines, or both.

27 (j) “Student of radiologic technology” means a person who has
28 started and is in good standing in a course of instruction that, if
29 completed, would permit the person to be certified a radiologic
30 technologist or granted a limited permit upon satisfactory
31 completion of any examination required by the department.
32 “Student of radiologic technology” does not include any person
33 who is a student in a school of medicine, chiropractic, podiatry,
34 dentistry, dental radiography, or dental hygiene.

35 (k) “Mammogram” means an X-ray image of the human breast.

36 (l) “Mammography” means the procedure for creating a
37 mammogram.